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BDCP Jared meeting with Nancy McFadden January 27 2015.docx

We had prepared most of this last week for Ken's BDCP deputies meeting. I added a little more detail to the last bullet, per our conversation. I hope it goes well. I'm sending you the text and the same content in an attachment.

### BDCP Status Update for Nancy McFadden meeting

January 26, 2015

- Region 9 continues to engage with state and federal action agencies in technical and policy level meetings
- Based on conversations between senior management and at the technical meetings, the State and action agencies have a shared understanding on what needs to change in the BDCP documents to address EPA concerns. These understandings are well documented in written records of the technical meetings that all the parties have ratified.
- Region 9 has NOT seen specific language that will be included in the Supplement to address to how our concerns. The State is figuring out how they want to handle the "supplemental". They have not decided whether it will be an appendix to the existing documents, a new chapter, revisions throughout the DEIS, or something else.
- The State expects to have language they can share in mid-March. R9 has committed to review and provide feedback once they receive written language.
- It appears the time frames are beginning to slip based upon not having seen anything in writing and that the "formal" supplemental process has not begun. All that was done previously was a press release stating the State was going to do supplemental environmental documents.
- We learned from DOI that Senior State officials (Karla Nemeth, Mark Cowin and Chuck Bonham) will be in DC the week of January 26 to discuss the water situation in CA...drought, legislation, BDCP, etc. and the State's path forward. There has been no indication of expected EPA involvement in these meetings. Coincidentally, CEQ is hosting a federal "deputies" meeting on January 27, in which Ken Kopocis will participate.
- During and following a January 15 Policy Committee call (led by CA DWR, with

DOI, NMFS, and EPA), EPA clarified some misunderstandings that arose during a January 12 Technical meeting and were of concern to DOI and California. The conversations and the proposed written record of the January 12 meeting are expected to have assuaged the concerns.

- To correct the misimpression left at the meeting that EPA doesn't support HCPs, we recommended changes to the meeting minutes to say: "EPA made reference to articles in the scientific literature that identified lessons learned about regional conservation planning approaches and adaptive management methods. [Note: For reference, several of these articles are cited below, but these articles were not discussed at the meeting.]" The original language in the draft minutes was: "EPA commented that they do not believe HCPs have generally worked and that they do not support many of the regional plans in California. In addition, they don't believe the BDCP will provide adequate protection of beneficial uses. EPA expressed concern with actual implementation of HCP and whether it will protect beneficial uses."

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